

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

394I0117

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1049** - 02/03/2003

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to invest the court with discretion to provide for the
2 overnight supervision of juries.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 23A-25-5 be amended to read as follows:

5 23A-25-5. Before the jurors retire for deliberation, one or more officers ~~must~~ shall be sworn
6 to keep ~~them~~ the jurors together in some private and convenient place, with such suitable food
7 and drink as the court shall direct. The court may, in its discretion, ~~permit the jurors to separate~~
8 either sequester the jurors during the adjournment of court overnight, under supervision of the
9 officer or such officers, or allow the jurors to separate overnight during the adjournment of the
10 court without supervision after proper admonishment. The While supervising the jurors, the
11 officers ~~shall~~ may not permit any person (including themselves) to communicate with the jurors
12 or to ask whether ~~they~~ the jurors have agreed upon a verdict except by order of court. The
13 officers shall return the jurors into court when ~~they have~~ the jury has agreed upon a verdict.

